

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
TERRANCE D. MOE, M.D.,	:	
RESPONDENT.	:	<i>ORDER 000 3165</i>

Division of Legal Services and Compliance
Case Nos. 13 MED 140, 13 MED 228, 13 MED 254, and 13 MED 467.

The parties to this action for the purposes of Wis. Stat. § 227.53, are:

Terrance D. Moe, M.D.
150 Hospital Road
Eagle River, Wisconsin 54521-8877

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation in resolution of 13 MED 140, 13 MED 228, 13 MED 254 and 13 MED 467, subject to the approval of the Wisconsin Medical Examining Board (Board). The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent, Terrance D. Moe, M.D., (dob December 2, 1949) is licensed in the State of Wisconsin to practice medicine and surgery, having license number 30319-20, first issued on June 22, 1989, with registration current through October 31, 2015, and which is subject to a prior order as referenced below. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 150 Hospital Road, Eagle River, Wisconsin 54521-8877.

2. On July 18, 2012, the Board entered a Final Decision and Order (Order No. 0001485, hereinafter "July 2012 Order") by which the following cases then pending against the Respondent were resolved: 08 MED 323, 10 MED 430, and 10 MED 431.

3. In the July 2012 Order, the Board found that Respondent had the following prescribing deficiencies with multiple patients: prescribing narcotics when contraindicated; prescribing narcotics without performing physical examinations or with inadequate physical examinations; prescribing narcotics when not supported by the diagnosis or documenting physical examinations that did not support the diagnosis given; and prescribing, continuing and increasing narcotics in patients with one or more contraindications to their use.

4. In the July 2012 Order, the Board found that Respondent had violated Wis. Admin. Code §§ MED 10.02(2)(h) and (za), and was subject to discipline pursuant to Wis. Stat. § 448.02(3). The Board limited Respondent's practice with restrictions on the kinds of controlled substances that he could prescribe, and the circumstances under which he could prescribe them.

5. Since the July 2012 Order was entered, and while it was at all times in effect, the Division of Legal Services and Compliance of the Department of Safety and Professional Services (Department) has opened the following currently pending matters against Respondent: 13 MED 140, 13 MED 228, 13 MED 254, and 13 MED 467.

6. The allegations in 13 MED 140 are that Respondent on multiple occasions failed to comply with the terms of the July 2012 by failing to timely secure co-signatures on prescriptions that he wrote.

7. The allegations in 13 MED 224 are that Respondent prescribed Suboxone to a patient with multiple contraindications to its use.

8. The allegations in 13 MED 254 are that Respondent's Board-approved professional mentor reported ongoing deficiencies in Respondent's prescriptive practice.

9. The allegations in 13 MED 467 are that Respondent's Suboxone prescribing gave rise to "community concerns" as described by the Quality Control Manager of a health care facility located in the area where Respondent practices.

10. Respondent disputes these allegations, but chooses to resolve 13 MED 140, 13 MED 228, 13 MED 254, and 13 MED 467 by way of this order and the attached Stipulation.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

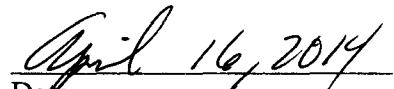
1. The attached Stipulation is accepted.
2. The PERMANENT SURRENDER by Respondent, Terrance D. Moe, M.D., of the license to practice medicine and surgery in the State of Wisconsin (license no. 30319-20) and the right to re-apply for that license, is hereby accepted, and shall be effective June 10, 2014.
3. By or before June 10, 2014, Respondent will wind down and close his practice in accordance with Wis. Admin. Code ch. MED 10.03(2)(o) and Wis. Stats. § 146.819.
4. Contingent on the permanent surrender of Respondent's license, the Department agrees to waive the COSTS of these matters in the amount of \$1,420.08.
5. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

TERRANCE D. MOE, M.D.,
RESPONDENT.

STIPULATION

ORDER 0003145

Division of Legal Services and Compliance Case Nos.
13 MED 140, 13 MED 228, 13 MED 254, and 13 MED 467

Respondent Terrance D. Moe, M.D., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of the above-noted pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Kevin Kelley.

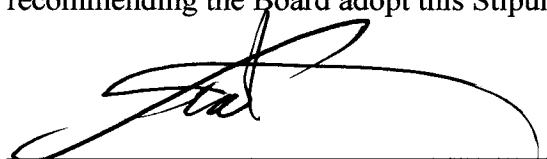
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matters shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

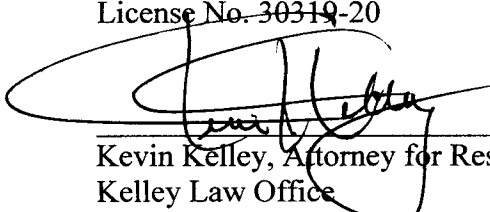
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

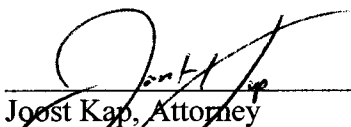
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Terrance D. Moe, M.D.
150 Hospital Road
Eagle River, Wisconsin 54521-8877
License No. 30319-20

3-25-14
Date


Kevin Kelley, Attorney for Respondent
Kelley Law Office
1804 Superior Street
Three Lakes, WI 54562

3/25/14
Date


Joost Kap, Attorney
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

3/31/14
Date